

2 incident report.

3 MR. PURICELLI: Just for
4 the record, did I ask for the reports?

5 MR. HENZES: It says
6 incident report.

7 MR. PURICELLI: Did I ask
8 for all the reports in this case and
9 related to the claims in this case?

10 MR. HENZES: I understand
11 what you asked for. The question you
12 said let's review, pointing to this, the
13 missing persons report. This does not
14 say missing person. All I asked you to
15 do is to correctly identify what you're
16 pointing out to the witness.

17 BY MR. PURICELLI:

18 Q. Okay. Now, the statute that we
19 just went over, 2908, says the proper form is
20 to be started.

21 Right?

22 A. (Nods head up and down.)

23 Q. Okay. And in this case that
24 we're talking about that you've been told
25 about is a missing person report (sic).

2 Correct?

3 A. No. It's not.

4 Q. It's not?

5 What is it then?

6 A. It's an incident report.

7 Q. No. No. The case. Listen to my
8 question.

9 A. Well, this is --

10 Q. I'm going to get to that.

11 A. Okay.

12 Q. Just listen to my questions. We
13 are going to get to it believe me.

14 Now, the case that you
15 were told about was a missing child case.

16 Correct?

17 A. Yes, sir.

18 Q. All right. 2908 deals, the
19 statute, deals specifically with missing
20 children.

21 Doesn't it?

22 A. Yes.

23 Q. All right. And we went through
24 the three. One of them said create the
25 proper report.

Correct?

A. Yes.

Q. All right. There's a lot of talk about what this document is.

Is this a missing child report?

A. No. It's not.

Q. Okay. Look through it for me, please. Tell me what of those documents is the missing child report.

A. A missing person report is what the State Police uses. It's an attachment to an incident report.

Q. Do you see it in that packet?

A. I do not see it in this packet.

Q. All right. I've brought a hard copy of what documents were handed to me and the disk, okay, and a computer you can look at if you want to. Okay. And I can tell you I don't find this document you're talking about.

MR. HENZES: He never said there was a missing person report. He said he got his information from Fultz.

2 MR. PURICELLI: Make your
3 arguments to the judge.

4 MR. HENZES: No. You're
5 cluttering the record with total
6 misinformation.

7 MR. PURICELLI: No. I'm
8 not.

9 MR. HENZES: Yes. You
10 are. I mean, you --

11 BY MR. PURICELLI:

12 Q. Is there in your investigation to
13 see if there was a missing child report for
14 your CLEAN entry one similar or even close to
15 that by Troop F that you could find?

16 A. No.

17 Q. No.

18 And we can agree the pack
19 I gave you that I marked doesn't contain the
20 State Police official missing child report.

21 A. That's correct.

22 Q. Now, this particular document has
23 been painstakingly referred to as an incident
24 report.

25 Correct?

2 A. Correct.

3 Q. Okay. Under State Police policy
4 when should this report start?

5 A. Upon the initial investigation.

6 Q. Under State Police policy,
7 practices and procedures what should the
8 person taking this report take, this one, not
9 similar to it, this one, which is identified
10 concealment of whereabouts of a child?

11 Do you see that?

12 A. Uh-huh.

13 Q. First page.

14 A. Yes, sir.

15 Q. What should the investigator do,
16 the person taking the complaint that forms
17 this incident?

18 A. From my point of --

19 Q. Just tell me your training.

20 A. Yeah.

21 Q. Just your training.

22 A. What I would do is get who, what,
23 where, when, why and how. Document
24 everything. And if there's any question
25 about prosecution I would contact the

2 district attorney for whatever county. I'd
3 do the report in a timely fashion, submit it
4 to supervisor for review.

5 Q. Okay. Now, this incident report,
6 okay, is this used for all types of reports?

7 A. For a lot of them, but not all of
8 them.

9 Q. What about for missing children?

10 A. Yes.

11 Q. So this would be essentially a
12 missing persons report, too?

13 A. But there would be an attachment
14 to it.

15 Q. What would that look like?

16 A. It's a form that says missing
17 person and has a lot of blocks for a lot of
18 identification factors.

19 Q. Under the policies and procedures
20 of the State Police what is the determination
21 factor of whether that form, that missing
22 child form is filled out or not?

23 A. I'd have to look that up in our
24 7-2 manual, but I believe it's any time a
25 case involving a missing child is reported

1 STEVEN J. IGNATZ

2 it's done.

3 Q. Okay. Do you recall from your
4 training?

5 A. Or missing person. I'm sorry.

6 Q. That's fair. That's fair.

7 From your training, how do
8 you determine if a person is missing or not?

9 A. I believe that's just done
10 through investigation.

11 Q. Okay. Well, if somebody comes in
12 and says my children are missing, I think
13 they're with my wife and I don't know where
14 she is, okay, and then the trooper classifies
15 that concealments of the whereabouts of a
16 child crime, what should the trooper be
17 doing?

18 A. I would say he should be
19 investigating it.

20 Q. How?

21 A. Gathering the facts that --

22 Q. When should he start that
23 investigation?

24 A. I would start --

25 Q. What would you --

2 A. -- immediately.

3 Q. As a lieutenant what would you
4 expect that trooper to be doing?

5 A. I would expect that he would look
6 into it --

7 Q. How --

8 A. -- immediately.

9 Q. How much time should pass before
10 they go out and start looking into it?

11 A. I would think it would be done
12 immediately.

13 Q. All right. So that we're not
14 splitting hairs and it's not picking on you
15 because I know there are people in this room,
16 not Randy, either, that have fine definitions
17 of words.

18 Immediate in the State
19 Police's thinking that you're trained as when
20 from the time of the complaint?

21 A. Right away.

22 Q. Like, you know, it was nice
23 meeting you, I start now?

24 A. Yes.

25 Q. Okay. How about two months?

2 Seem a little stale?

3 A. Without knowing more facts I'd
4 say that's too long.

5 Q. I'll give you some facts. I
6 don't want you to guess.

7 I come in to you. Say my
8 name is David Bush. I say my children are
9 missing. I think they're with my wife. I
10 don't know where they are. You take the
11 report. Diligently take the report. Looks
12 very much like this one here. Prepare all
13 the same information that's on here. Okay.
14 And then you wait two months to start
15 looking.

16 Is that immediate under
17 State Police thinking?

18 A. I wouldn't think that's
19 immediate.

20 Q. All right. Now, let's suppose,
21 also, that, you know, you were busy and you
22 didn't have the chance to look for a missing
23 child. You were a patrol officer. You were
24 out there doing what patrol officers are
25 assigned to do, criminal investigation, and

2 you ask for some help and let's say you get
3 that and that help, another trooper in the
4 barracks, develops some addresses maybe where
5 the kids might be. Okay.

6 Would getting the
7 information and then waiting two more months
8 to act on it be immediate under State Police
9 thinking?

10 A. No. It's not immediate.

11 Q. No.

12 Okay. Could you think of
13 any of the trainings, policies or procedures
14 that might mitigate that type of delay?
15 Either delay.

16 A. Without more information
17 specifically I can't.

18 Q. Okay. If I asked you to peruse
19 this report real quick, okay, could you glean
20 any information that might be within the
21 State Police's thinking to explain that
22 delay?

23 MR. HENZES: Delay what?

24 MR. PURICELLI: Four
25 months.

2 MR. HENZES: Four months
3 of what?

4 MR. PURICELLI: Finally
5 going out and looking for missing
6 children.

7 MR. HENZES: You can't
8 read a report, but that's okay. One of
9 your many failings in life.

10 MR. PURICELLI: I hear ya.

11 MR. HENZES: But that's
12 okay. Because if you turned to page
13 three of the report that identifies the
14 efforts he made within one day of
15 collecting the report.

16 MR. PURICELLI: Uh-huh.

17 MR. HENZES: But, again,
18 that's you.

19 MR. PURICELLI: You've got
20 to be kidding me, Randy.

21 BY MR. PURICELLI:

22 Q. Okay. It's only three pages, as
23 Randy was most astute to notice.

24 Right?

25 A. Yes.

2 Q. A report came in at February 23,
3 '06 at 11:30.

4 Right?

5 A. Yes, sir.

6 Q. Who does it identify as the
7 victim in that first page, second paragraph
8 down?

9 A. The suspect?

10 Q. Uh-huh.

11 A. Sara Monerrate.

12 Q. How about if I read it for you
13 and tell me if I'm wrong?

14 MR. HENZES: Are you
15 talking about the victim who's
16 identified as the victim on page one or
17 page two?

18 BY MR. PURICELLI:

19 Q. Page one.

20 A. Oh, page one. I'm sorry.

21 Q. Uh-huh.

22 A. David no middle name Bush.

23 Q. Okay. Let's go to page two.

24 Let's look up in black 65.

25 A. Okay.

2 Q. Okay. What's that block for?

3 A. That's an offender block.

4 Q. Uh-huh.

5 Well, what's an offender?

6 A. Well, it's either an accused or a
7 suspect.

8 Q. Fair enough.

9 Who's the accused or
10 suspect?

11 A. This lists the suspect is Sara
12 Nicole Monserrate.

13 Q. Now, synopsis down in the
14 narrative, do you see that?

15 A. Uh-huh.

16 Q. Okay. Paraphrase, David Bush
17 says I don't know where my kids are. Sara
18 took them.

19 Would that be a fair
20 distillation of that synopsis?

21 A. Yes.

22 Q. Okay. In the training for
23 missing children what is the criteria of a
24 parent for a parent to report his children
25 missing?

2 A. I honestly don't know. In a case
3 like this I would refer it to the District
4 Attorney's office for --

5 Q. Okay. And if --

6 A. -- some information.

7 Q. -- the district attorney told you
8 to investigate the missing children, what
9 would you glean from that information?

10 A. I would say that they want more
11 information or more for the information
12 before charges are filed.

13 Q. What kind of investigation?

14 A. Do what you can to locate the
15 children.

16 Q. That are missing?

17 Is that the magic word?

18 A. Yeah.

19 Q. Okay. Were you aware that John
20 F. Cowley, the district attorney from Tioga
21 County was instructing the State Police to
22 try and locate the whereabouts of the kids?

23 A. No, sir.

24 Q. Okay. Did Fultz not mention
25 that?